

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

DR. NAJWA ADMA BAHU-BAUGH,)	
)	
Plaintiff,)	
)	Case No. CIV-22-0212-HE
vs.)	
)	
AMERICAN BOARD OF INTERNAL)	TRIAL DOCKET: SEPTEMBER 2023
MEDICINE,)	
)	
Defendant.)	

**AGREED APPLICATION TO CONTINUE CERTAIN UNEXPIRED
DISCOVERY RELATED SCHEDULING ORDER DEADLINES**

Defendant American Board of Internal Medicine (“Defendant”), upon agreement with and consent of Plaintiff Dr. Bahu-Baugh (“Plaintiff”), requests that the Court enter an Order enlarging certain unexpired discovery deadlines by fourteen (14) days. Defendant is authorized to state that Plaintiff has agreed to these deadlines being extended. The deadline extension is necessary as a result of the discovery dispute which the parties resolved on Monday evening. Plaintiff has just recently produced responsive documents requiring Defendant to now have time to review and prepare for depositions. Depositions could not be taken until the documents were produced. Further, the parties are exchanging additional documents which may allow the Parties to resolve the dispute altogether.

In further support of this Agreed Application (the “Agreed Application”) Defendant states as follows:

1. On May 5, 2022, the Court entered the Scheduling Order in this matter. [Dkt. No. 19.]

2. On September 26, 2022, the Parties filed their *Joint Motion to Amend Scheduling Order*. [Dkt. No. 31.] The Court granted the Parties' Joint Motion on September 27, 2022. [Dkt. No. 31.]

3. On September 27, 2022, the Court entered the Revised Scheduling Order. [Dkt. No. 33.]

4. On February 14, 2023, the Parties filed their *Joint Application to Enlarge Pretrial Deadlines*. [Dkt. No. 42.] The Court granted the Parties' Joint Application on February 15, 2023. [Dkt. No. 43.]

5. On February 15, 2023, the Court entered the second Revised Scheduling Order. [Dkt. No. 44.]

6. On April 6, 2023, Plaintiff filed his *Unopposed Application to Enlarge Response Time to Defendant's Motion to Compel Discovery* by all Plaintiffs. [Dkt. No. 48.] The Court granted Plaintiff's Unopposed Application on April 6, 2023. [Dkt. No. 49.]

7. According to the Court's second Revised Scheduling Order [Dkt. No. 44], the current unexpired deadlines are shown in Table 1 below.

Table 1 - Current Unexpired Deadlines

<u>Event</u>	<u>Deadline</u>
Defendant's Final Expert Witness(es) List	May 1, 2023
Plaintiff's Final List of Witness(es)	May 1, 2023
Defendant's Final List of Witness(es)	May 15, 2023
Plaintiff's Final Exhibit List	May 1, 2023
Defendant's Objections to Plaintiff's Final Exhibit List	May 15, 2023
Defendant's Final Exhibit List	June 1, 2023
Plaintiff's Objections to Defendant's Final Exhibit List	June 15, 2023
Discovery Deadline	April 30, 2023
All Dispositive and <i>Daubert</i> Motions	May 14, 2023
Deposition Designations	August 15, 2023

Objections and Counter-Designations	August 25, 2023
Motions in Limine	August 15, 2023
Voir Dire Requests	August 15, 2023
Trial Briefs	August 15, 2023
Jury Instructions	August 15, 2023
Pretrial Report	August 15, 2023
Trial Docket	September 2023

8. This agreed request is to grant a 14-day extension for the following *discovery* deadlines: Defendant's Final Expert Witness List, Plaintiff's Final Witness List, Defendant's Final Witness List, Plaintiff's Final Exhibit List, Defendant's Objections to Plaintiff's Final Exhibit List, Defendant's Final Exhibit List, Plaintiff's Objections to Defendant's Final Exhibit List, Discovery, and All Dispositive *Daubert* Motions. Defendant's counsel has conferred with Plaintiff's counsel and confirmed that there is no objection to the requested extension.

9. The extension of these discovery deadlines is requested for the following reasons: Plaintiff's delayed discovery production in light of the discovery dispute outlined in *Defendant's Motion to Compel Discovery* and Plaintiff's *Response to Defendant's Motion to Compel Discovery*, the complexity of coordinating the Parties' schedules, and the Plaintiff's and Defendant's belief that an extension of certain deadlines and further exchange of discovery, if successful, may fully resolve the dispute and lawsuit.

10. No other currently scheduled Court proceedings will be affected because there are no hearings or motions currently pending before the Court.

11. The unopposed request is that certain unexpired pretrial discovery related deadlines addressed in the Agreed Application be extended as shown in Table 2 below.

Table 2 - Proposed Extended Deadlines

<u>Event</u>	<u>Current Deadline</u>	<u>Proposed Extended Deadline</u>
Defendant's Final Expert Witness(es) List	May 1, 2023	May 15, 2023
Plaintiff's Final List of Witness(es)	May 1, 2023	May 15, 2023
Defendant's Final List of Witness(es)	May 15, 2023	May 29, 2023
Plaintiff's Final Exhibit List	May 1, 2023	May 15, 2023
Defendant's Objections to Plaintiff's Final Exhibit List	May 15, 2023	May 29, 2023
Defendant's Final Exhibit List	June 1, 2023	June 15, 2023
Plaintiff's Objections to Defendant's Final Exhibit List	June 15, 2023	June 29, 2023
Discovery Deadline	April 30, 2023	May 30, 2023
All Dispositive and <i>Daubert</i> Motions	May 5, 2023	June 5, 2023

12. As noted above, two requests for extension or modification of the scheduling order have previously been filed. The Parties and their counsel have been actively engaged in discovery or discovery-related disputes and counsel for both Parties agree that the additional time requested is necessary.

13. Undersigned counsel has conferred with their respective clients and both Plaintiff and Defendant consent to the extension requested here.

14. This request is not for the purpose of delay in that the request will not impact the current trial setting.

15. A proposed order is submitted herewith.

RELIEF REQUESTED

Accordingly, Defendant requests that this Agreed Application requesting the Court extend certain discovery-related deadlines to reflect the proposed extended deadlines set

forth in Table 2 of the Agreed Application be granted and for all additionally relief this Court deems necessary and appropriate.

Respectfully submitted,

/s/ William H. Hoch, III

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CERTIFICATE OF SERVICE

I hereby certify that on this 26th day of April 2023, I electronically transmitted the foregoing document to the Court Clerk using the ECF System for filing. Based on the records currently on file, the Court Clerk will transmit a Notice of Electronic Filing to the following ECF registrants:

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/s/ William H. Hoch, III

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